ASSEMBLY BILL   No. 913

Introduced by Assembly Member Santiago

February 26, 2015

An act to amend Section 67381 of the Education Code, relating to student safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 913, as amended, Santiago. Student safety.

The Kristin Smart Campus Safety Act of 1998 requires the governing boards of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions, as defined, to adopt rules requiring each of their respective campuses to enter into a written agreement with local law enforcement agencies relating to certain violent crimes. These agreements are required to designate the law enforcement agency that will have operational responsibility for the investigation of these crimes. Existing law provides that these provisions do not apply to the University of California except to the extent that the regents, by appropriate resolution, make the provisions applicable.

This bill would require these written agreements to designate the law enforcement agency that will have operational responsibility for the investigation of each sexual assault and hate crime, as defined. The bill would also require these written agreements to be ~~updated~~ *reviewed, updated if necessary,* and made available to the public by July 1, 2016, and every 5 years thereafter. By expanding the duties of community

college districts and local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1   SECTION 1. Section 67381 of the Education Code is amended
2 to read:
3   67381. (a) The Legislature reaffirms that campus law
4 enforcement agencies have the primary authority for providing
5 police or security services, including the investigation of criminal
6 activity, to their campuses.
7   (b) The governing board of each community college district,
8 the Trustees of the California State University, the Regents of the
9 University of California, and the governing board of independent
10 postsecondary institutions, as defined, shall adopt rules requiring
11 each of their respective campuses to enter into written agreements
12 with local law enforcement agencies that clarify operational
13 responsibilities for investigations of Part 1 violent crimes, sexual
14 assaults, and hate crimes occurring on each campus.
15   (c) Local law enforcement agencies shall enter into written
16 agreements with campus law enforcement agencies if there are
17 college or university campuses located in the jurisdictions of the
18 local law enforcement agencies.
19   (d) Each written agreement entered into pursuant to this section
20 shall designate which law enforcement agency shall have
21 operational responsibility for the investigation of each Part 1
22 violent crime, sexual assault, and hate crime, and delineate the
23 specific geographical boundaries of each agency's operational
24 responsibility, including maps as necessary.
25   (e) A written agreement entered into pursuant to this section
26 shall be ~~updated~~ *reviewed, updated if necessary,* and made

1 available for public viewing by July 1, 2016, and every five years
2 thereafter.
3 (f) Each agency shall be responsible for its own costs of
4 investigation unless otherwise specified in a written agreement.
5 (g) Nothing in this section shall affect existing written
6 agreements between campus law enforcement agencies and local
7 law enforcement agencies that otherwise meet the standards
8 contained in subdivision (d) or any existing mutual aid procedures
9 established pursuant to state or federal law.
10 (h) Nothing in this section shall be construed to limit the
11 authority of campus law enforcement agencies to provide police
12 services to their campuses.
13 (i) As used in this section, the following terms have the
14 following meanings:
15 (1) "Local law enforcement agencies" means city or county law
16 enforcement agencies with operational responsibilities for police
17 services in the community in which a campus is located.
18 (2) "Part 1 violent crimes" means willful homicide, forcible
19 rape, robbery, and aggravated assault, as defined in the Uniform
20 Crime Reporting Handbook of the Federal Bureau of Investigation.
21 (3) "Hate crime" means any offense described in Section 422.55
22 of the Penal Code.
23 (4) "Sexual assault" includes, but is not limited to, rape, forced
24 sodomy, forced oral copulation, rape by a foreign object, sexual
25 battery, or threat of any of these.
26 (5) "Independent postsecondary institutions" means institutions
27 operating pursuant to Section 830.6 of the Penal Code or pursuant
28 to a memorandum of understanding as described in subdivision
29 (b) of Section 830.7 of the Penal Code.
30 (j) This section shall be known and may be cited as the Kristin
31 Smart Campus Safety Act of 1998.
32 (k) It is the intent of the Legislature by enacting this section to
33 provide the public with clear information regarding the operational
34 responsibilities for the investigation of crimes occurring on
35 university and college campuses by setting minimum standards
36 for written agreements to be entered into by campus law
37 enforcement agencies and local law enforcement agencies.
38 SEC. 2. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

1   pursuant to Part 7 (commencing with Section 17500) of Division
2   4 of Title 2 of the Government Code.

O